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MONTANA STATE PRISON SEX OFFENDER PROGRAM DESCRIPTION

Sex Offender Program Phase I – This is an educational phase for offenders who have a documented history of sexually deviant behavior. Most who participate are court ordered to complete, although a small percentage are voluntary. Anyone convicted of a sexual offense must by law complete this phase. This program is approximately 16 weeks and is facilitated by a unit case manager. Groups are one time per week for approximately two hours. The individual is not required to admit to his offending in this phase, although it is certainly beneficial if they do. After completion of Phase I, the individual is then screened by department staff to determine need for further treatment, which could be one of the following: SOP Phase II-Orientation, SOP Phase II, SOP Phase II –Statutory Offender, or no further treatment recommended. If deemed appropriate, the inmate can complete SOP I while being housed in the SOP special needs cube which is described in more detail below.

Sex Offender Program Phase II – Orientation - This group is for individuals who have completed Phase I but are still denying their offense. The group is designed to assist the individual in breaking down his defense mechanisms, such as denial, to allow him to see the need for treatment, and create motivation and desire to change in reference to his thinking and behavior. This group is approximately 24 weeks and is facilitated by a fully licensed Therapist with at least a Master's degree. Groups are one time per week for approximately two hours. After completion of this group, the individual is screened by staff for further treatment recommendations which could include: SOP II – Orientation (repeat group), SOP II, SOP II – Statutory Offender, or no further treatment recommended. ** It should be noted that completion of this group does not satisfy any legal or clinical requirement of "phase II completion", as the Orientation group is considered a pre-Phase II group and the individual must enter and complete SOP II or SOP II – Statutory before satisfying any requirement of SOP Phase II completion.

Sex Offender Program Phase II – This is a cognitive and behavioral based program for offenders who have completed Phase I and are admitting to their offending. This program usually takes about two years to complete. It consists of up to 45 written assignments that are presented verbally by the individual to their group. The Therapist makes the determination as to what particular assignments need to be completed by the individual. The goal is to tailor the program to each individual. Phase II is broken down into five separate levels, and the individual must pass a proficiency test after each level to move into the next higher level. Topics such as accountability, defense mechanisms, deviant thought/arousal, empathy, thinking errors, relapse prevention, anger-power-control, alternative thinking, and many others are explored in depth during this process. The group promotes accountability through honesty, confrontation, trust, consistency and patience. Groups are facilitated by a fully licensed Therapist with at least a Master's degree. This phase of treatment is offered in two different formats. One format is known as the Intensive Treatment Unit (ITU) that allows the individual to live in a unit

specifically housed with only sex offenders. Groups are conducted in the living area of their own unit and the environment fosters accountability because the group has contact with each other twenty-four hours a day. Groups are two hours in length and are conducted twice per week. We also offer Phase II treatment on an Outpatient (OP) basis, which allows the individual the opportunity to continue to live in his already assigned living unit with a variety of other offender types. They then attend group one time per week for two hours at a location outside of their assigned living unit. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in these SOP Phase II settings. After completion of Phase II the individual is then required to enter and participate in the SOP Phase III aftercare portion of treatment.

Sex Offender Program Phase II – Special Needs – This is a cognitive and behavioral based program for offenders whom have exhibited some type of impairment that may hinder them for progressing in treatment. Impairment could mean being illiterate, head injuries, mental illness, comprehension difficulties, mental retardation, etc. Participants in this group are housed together in the A-Unit 230 Cube. Also housed in this unit are two mentors, both of which have completed SOP Phase II and have volunteered to help with the learning process. Groups with seven inmates are conducted one day per week for two hours, and each group also has an assigned mentor. The length of program can vary depending on ability, but it is reasonable to say most can complete within two years. These groups are facilitated by a fully licensed therapist with a Master's degree. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in this group setting.

Sex Offender Program Phase II – Statutory – This is a cognitive and behavioral based program for select individuals who meet certain criteria which include: under the age of 25 when offense committed; victim at least 13 years of age; taking full responsibility for offense; completed Phase I; “consenting” victim or unaware of age; and/ or no previous history of sexually offending behavior. This program utilizes the exact assignments that are used in the regular Phase II program, but offers a more tailored version. The program is about eight months in length, is on an outpatient basis, meets once per week for about two hours, and is facilitated by a fully licensed Therapist with at least a Master's degree. Cognitive Principles & Restructuring (CP&R) and Anger Management (AM) group requirements can also be satisfied in the SOP Phase II setting. After completion of this group, the individual is then required to enter and participate in the SOP Phase III aftercare portion of treatment.

Sex Offender Program Phase III – Aftercare - This program is required for all individuals who have completed SOP II (ITU or OP) or SOP II – Statutory. The focus of this group is to afford the individual an ongoing opportunity to address any issue relevant to their treatment needs. Discussions often include relapse prevention techniques, discharge planning, or Parole Board issues. This group meets one time per month and is facilitated by a fully licensed Therapist with at least a Master's degree. The individual participates in this group until he discharges from Montana State Prison.

Currently in Treatment – Sex Offender

SOP Phase I –	50	or on	Waiting List - 82
SOP Phase II (OP) -	68	or on	Waiting List – 77
SOP Phase II (ITU) -	60	or on	Waiting List – 27
SOP Phase III	- 85	or on	Waiting List - <u>25</u>
Totals –	263		211

****An additional 50 inmates are refusing treatment****

Current Staffing Patterns

- *One Full Time Administrative Assistant
- *One Full Time Case Manager
- *One ½ Time Administrative Assistant
- *Four Contracted Therapists -10 hours each
- *Two Full Time Therapist

Obstacles for Sex Offender Treatment and Proactive Community Reintegration

- Specific recommendations by the Sex Offender Treatment Program are routinely ignored by other DOC programs. (Parole Board, Board of Pardons, PRC's and screening committees)
- **Sex Offender Department recommends early release on about 40% of eligible inmates, yet Parole Board recommends about 8%.**
- No intensive supervision program (ISP) in Kalispell or Helena.
- **Only about 19% of treated sex offenders leave on ISP, even though this would be considered the most appropriate level of care for many offenders. This number should probably be about 75%. Cost for ISP is much less than the cost for MSP placement.**
- **Only about 6% of treated sex offenders are accepted into a PRC.**
- PRC's are independently operated by agencies other than the Montana DOC.
- PRC's in Helena, Great Falls and Butte refuse to accept convicted sex offenders. Sex Offenders make up about 32% of the inmate population, meaning these PRC's are only serving 68% of the MSP population.
- System is saddled with too many layers to get accepted into ISP or a PRC. (Parole Board recommendation, MSP recommendation, and community screening committee recommendation are all needed for placement)
- System remains reactive instead of proactive. (punishment vs. treatment)
- **Currently about 110 treatment complete sex offenders are incarcerated, most of which having early release recommendations from SO Department.**
- **About 42% of treatment complete sex offenders discharge their sentence before being released into a community adding a huge expense to MSP. Some states have automatic parole once an inmate completes sex offender treatment.**
- Inadequate staffing patterns hamper aggressive treatment practices, contributing to a high number of untreated sex offenders discharging.
- **About 70% of sex offenders leave incarceration before completing recommended treatment.**
- Forcing sex offenders to discharge their sentence is by far the most expensive option for the Montana DOC.
- In-state parole has dropped from about 23% for treated sex offenders to about 7% since 1997.
- **All sex offenders are considered by communities as being a pedophile, when in reality only about 4-5% are clinically classified as such.**
- "One size fits all" approach extremely counter productive to reintegration process.
- Tier designation system potentially misleading. (Level I, II, or III)

Important Terminology

- **High Risk** – Any offender who is designated a Level III – Sexually Violent Predator.
- **High Profile** – In today's society, almost all sex offenders could be labeled in this manner.
- **Recidivism** – Returning to incarceration because of a probation/parole violation.
- **Re-offending** – Returning to incarceration for a new sexually related offense.
- **Risk Assessment – Tier Level Designation**
- **Level I Sex Offender** – Low probability of a re-offense
- **Level II Sex Offender** – Moderate probability of a re-offense
- **Level III Sex Offender – Sexually Violent Predator** – High probability of a re-offense.
- **SOP Phase I** – Educational component of sex offender treatment. By law, anyone convicted of a sexual offense must complete this phase. (4-5 months)
- **SOP Phase II** – Therapeutic component. (18-36 months)
- **SOP Phase III** – Aftercare component. (varies, but minimum 12 months)
- **MSOTA** – Montana Sex Offender Treatment Association
- **ATSA** – Association for the Treatment of Sexual Abusers
- **Psychosexual Evaluation** – In depth evaluation conducted by an MSOTA licensed provider to ascertain treatment needs and location of treatment. (Community vs Prison)
- **Treated Sex Offender** – Individual completed recommended sex offender treatment requirements.
- **Untreated Sex Offender** – Individual did not complete recommended sex offender treatment requirements.
- **Tier Level designations** are given by either the Judge at sentencing and placed in the stipulations, or by a DOC staff person at the time of release from incarceration.

TYPOLGY OF ADULT SEX OFFENDERS

SITUATIONAL CHILD MOLESTER

Situational child molesters do not have a true sexual preference for children, but engage in sex with children for varied and sometimes complex reasons. For such a child molester, sexual contact with children may range from a “once in a lifetime” act to a long-term pattern of behavior. They usually have fewer numbers of different child victims. This type represents about **86%** of all sex offenders. Vulnerable individuals, such as the elderly, or the disabled, may also be at risk of sexual victimization. Within this category at least four major patterns of behavior emerge.

REGRESSED –low self esteem & poor coping skills; turns to children as a substitute; often own children; criteria for victim selection is availability; coercion often present; pornography possible.

MORALLY INDISCRIMINATE – abuse is part of general pattern of use and abuse of people; lies, cheats, steals, etc; thinks he can get away with it; victim selection is vulnerability and opportunity; lures by manipulation or perceived force.

SEXUALLY INDISCRIMINATE – a “try-sexual” willing to try anything sexual; no real child preference; motivation is new “sexual experimentation”; criteria for victim selection is that they are new and different; pornography highly likely.

INADEQUATE – psychotic, personality disordered, retarded, social misfit (geek); motivation is insecurity and curiosity; see children as non-threatening objects; criteria for victim selection is non-threatening and often exploits size; pornography likely.

PREFERENTIAL CHILD MOLESTER - PEDOPHILE

There is a definite sexual preference to children. They have sex with children not because of some situational stress or insecurity but because they are sexually attracted to and prefer children. Engage in highly predictable sexual behavior. They have the potential to molest large numbers of victims. Their problem is not only the nature of their sex drive (attraction to children) but also the quantity (need for frequent and repeated sex with children). This type represents about **4%** of all sex offenders. Within this category at least three major patterns of behavior emerge.

SEDUCTION – seduces with attention or gifts; gradually lowers victim’s inhibitions; motivation is to establish a barter relationship; gifts for sex; criteria for selection is victim of emotional, sexual or physical neglect; often “discards” after victim matures; child pornography highly likely.

INTROVERTED – lacks skills to seduce so engages in non-personal relationships; motivation is insecurity; victims are strangers or very young children; own from infancy; utilizes playgrounds, etc; child pornography highly likely.

SADISTIC – must inflict pain or suffering to be aroused or gratified; uses lure or force; victim selection is chance and availability for abduction; least prevalent but extremely dangerous; child pornography highly likely.

ADULT RAPISTS

Although this category represents only about **5%** of the total sex offender population, they are often the most physically destructive. This is classified as an adult who sexually offends another adult. There are many reasons why these individuals offend, and within this category there are six distinct major patterns of behavior that emerge.

POWER REASSURANCE – degrades and emotionally traumatizes victim; usually stranger victim; usually late evening or early morning assault; selects victims in advance by surveillance; victims usually alone and about same age; surprise approach; gives victim instructions; apologizes after assault; most common category of rape.

POWER ASSERTIVE - assaults to express dominance; exhibits no concern for victim; feels it is his prerogative to commit rape; usually any location; forcible tears clothing off; assaults when he “needs” a woman; often repeated assaults; strands victim nude and disoriented; second most common category of rape.

ANGER RETALIATORY – getting “even” for perceived or real past abuse; assaults to punish and degrade; short duration; anger is key component; not usually premeditated; intense rage and excessive force; sporadic and at any time; victim often symbolizes or resembles someone else; third most common category of rape.

ANGER EXCITATION – stimulated by pain, fear and total submission by victim; attack usually well planned and methodical; often uses bindings and takes to a secluded location; keeps for extended periods of time to torture; death often the outcome; believes his plan is foolproof.; almost always a stranger victim; least prevalent type of rape.

OPPORTUNISTIC RAPIST – only rapist category whose primary motivation is sexual in nature; afterthought during a commission of another crime; usually minimal levels of force; often using drugs or alcohol; often bounds the victim and leaves scene.

DATE RAPE – relationship or dating victim; often uses alcohol or drugs to medicate victim; force can vary from minimal to brutal; often not reported due to victim feeling responsible.

STATUTORY RAPE

These individuals engage in “consensual” sexual contact with an individual who is legally unable to give consent. This category represents about **5%** of the total sex offender population. They are typically under the age of 25, immature, have low self esteem, poor age appropriate social skills, abuse alcohol and/or drugs, and often unclear about healthy sexual boundaries. Their victims are usually between the ages of 12 and 15. Montana legal consenting age is 16.

STATIC 99

Risk Factor	Codes		Score
Prior Sex offences (Same rules as in RRASOR)	Charges	Convictions	
	None	None	0
	1-2	1	1
	3-5	2-3	2
	6+	4+	3
Prior sentencing dates	3 or less		0
(excluding index)	4 or more		1
Any convictions for non-contact sex offences	No		0
	Yes		1
Index non-sexual violence	No		0
	Yes		1
Prior non-sexual violence	No		0
	Yes		1
Any Unrelated Victims	No		0
	Yes		1
Any Stranger Victims	No		0
	Yes		1
Any Male Victims	No		0
	Yes		1
Young	Aged 25 or older		0
	Aged 18 – 24.99		1
Single	Ever lived with lover for at least two years?		
	Yes		0
	No		1
Total Score	Add up scores from individual risk-factors		

Name: _____ AO# _____ Date: _____

Risk Score _____ (Low 0,1) (Medium 2,3) (Medium High 4,5) (High 6+)

Level I II III

Assessed by _____ Date: _____

Team Members Present: _____

STATIC 99 NOTES

Static 99 is intended for males aged at least 18 who are known to have committed at least one sex offence.

- 1) **Prior sex offences.** Count only officially recorded offences. These could include a) arrest and charges, b) convictions, c) institutional rules violations, and d) probation, parole or conditional release violations arising from sexual assault, sexual abuse, sexual misconduct or violence engaged in for sexual gratification.

Non-sexual offences resulting from sexual behavior would also be included as sexual offences (e.g., voyeur convicted of trespass by night). When the offence behavior was sexual, but resulted in a conviction for a violent offence (e.g., assault, murder), then the offender is considered to have committed both a sexual and non-sexual violent offence and could receive points for both items.

Count only the number of sexual convictions or charges prior to the index offence. Do not count the sex offences included in the most recent court appearance. Institutional rule violations and conditional release violations count as one charge. Use either charges or convictions, whichever indicates the higher risk. More detailed worked examples of scoring prior offences are given in the RRASOR scoring guidelines (Phenix & Hanson, in press).

- 2) **Prior sentencing dates.** Count the number of distinct occasions on which the offender has been sentenced for criminal offences of any kind. The number of charges/convictions does not matter, only the number of sentencing dates. Court appearances that resulted in complete acquittal are not counted. The index sentencing date is not included.
- 3) **Non-Contact Offences.** This category includes convictions for non-contact sexual offences, such as exhibitionism, possessing obscene material, obscene telephone calls, and voyeurism. Self-reported offences do not count in this category.
- 4) **Index Non-sexual Violence.** Refers to convictions for non-sexual assault that are dealt with on the same sentencing occasions as the index sex offence. These convictions can involve the same victims as the index sex offence or they can involve a different victim. All non-sexual violence convictions are included providing they were dealt with on the same sentencing occasion as the index sex offences. Example offences would include murder, wounding, assault causing bodily harm, assault, robbery, pointing a firearm, arson, and threatening.
- 5) **Prior Non-sexual Violence.** The category includes any conviction for non-sexual violence prior to the index sentencing occasion.
- 6) **Unrelated Victim.** A related victim is one where the relationship would be sufficiently close that marriage would normally be prohibited, such as parent, uncle, grand-parent, step-sister.
- 7) **Stranger Victim.** A victim is considered to be a stranger if the victim did not know the offender 24 hours before the offence.
- 8) **Male Victim.** Included in this category are all sexual offences involving male victims. Possession of child pornography involving boys, however, would not count in this category.
- 9) **Young.** This item refers to the offender's age at the time of the risk assessment. If the assessment concerns the offender's current risk level, it would be his current age. If the assessment concerns an anticipated exposure to risk (e.g. release, reduced security at some future date), the relevant age would be his age when exposed to risk. Static-99 is not intended for those who are less than 18 years old at the time of exposure to risk.
- 10) **Single.** The offender is considered single if he has never lived with a lover (male or female) for at least two years. Legal marriages involving less than two years of co-habitation do not count.

TRANSLATING STATIC 99 SCORES INTO RISK CATEGORIES

Score	Label for Risk Category
0,1	Low
2,3	Medium-Low
4,5	Medium-High
6 plus	High

SEX OFFENDER RISK ASSESSMENT
Minnesota Sex Offender Screening Tool –Revised.

Offenders Name: _____

No.: _____ Crime: _____

Risk Factor	Risk Factor Value	Risk Factor Value	Comments
I. Historical/Static Variables	Choose One		
1. Number of sex/sex-related convictions. (including current conviction):			
One	0		
Two or More	+2		
2. Length of sexual offending history:			
Less than one year	-1		
One to six years	+3		
More than six years	0		
3. Was the offender under any form of supervision when they committed <i>any</i> sex offense for which they were eventually charged or convicted?			
No	0		
Yes	+2		
4. Was <i>any</i> sex offense (charged or convicted) committed in a public place?			
No	0		
Yes	+2		
5. Was force or the threat of force ever used to achieve compliance in <i>any</i> sex offense (charged or convicted)?			
No force in any offense	-3		
Force present in at least one offense	0		
6. Has <i>any</i> sex offense (charged or convicted) involved multiple acts on a single victim within any single contact event?			
No	-1		
Yes	+1		
Age group of victims: (check all that apply)			
<input type="checkbox"/> Age 6 or younger	<input type="checkbox"/> Age 7 to 12 years	<input type="checkbox"/> Age 13 to 15 years and the offender is more than five years older than the victim	<input type="checkbox"/> Age 16 or older
7. Number of different age groups victimized across all sex/sex-related offenses (charged or convicted):			
No age group or only one age group checked	0		
Two or more age groups checked	+3		
8. Offended against a 13-15 year-old victim and the offender was more than five years older than the victim at the time of the offense (charged or convicted):			
No	0		
Yes	+2		

SEX OFFENDER RISK ASSESSMENT
Minnesota Sex Offender Screening Tool –Revised.

9. Was the victim a stranger in any sex/sex-related offense (charged or convicted)?			
No victims were strangers	-1		
At least one victim was a stranger	+3		
Uncertain due to missing information	0		
10. Is there evidence of adolescent antisocial behavior in the file?			
No indication	-1		
Some relatively isolated antisocial acts	0		
Persistent, repetitive pattern	+2		
11. Pattern of substantial drug or alcohol abuse (12 months prior to arrest for the instant offense or revocation):			
No	-1		
Yes	+1		
12. Employment history (12 months prior to arrest for instant offense):			
Stable employment for one year or longer prior to arrest	-2		
Homemaker, retired, full-time student, or disabled/unable to work	-2		
Part-time, seasonal, unstable employment	0		
Unemployed or significant history of unemployment	+1		
HISTORICAL/STATIC VARIABLE SUBTOTAL			

Risk Factor	Risk Factor Value	Risk Factor Value	Comments
II. Institutional/Dynamic Variables	Choose One		
13. Discipline history while incarcerated (does not include discipline for failure to follow treatment directives):			
No major discipline reports or infractions	0		
One or more major discipline reports	+1		
14. Chemical dependency treatment while incarcerated:			
No treatment recommended – Not enough time – No opportunity	0		
Treatment recommended and successfully completed or in program at time of release	-2		
Treatment recommended but offender refused, quit, or did not pursue	+1		
Treatment recommended but terminated by staff	+4		

Offenders Name: _____ No.: _____

SEX OFFENDER RISK ASSESSMENT
Minnesota Sex Offender Screening Tool –Revised.

Risk Factor	Risk Factor Value	Risk Factor Value	Comments
15. Sex offender treatment history while incarcerated:			
No treatment recommended – Not enough time – No opportunity	0		
Treatment recommended and successfully completed or in program at time of release	-1		
Treatment recommended but offender refused, quit, or did not pursue.	0		
Treatment recommended but terminated	+3		
16. Age of offender at time of release:			
Age 30 or younger	+1		
Age 31 or older	-1		
INSTITUTIONAL/DYNAMIC SUBTOTAL			

Historical/Static Variable Subtotal:	
Institutional/Dynamic Subtotal:	
TOTAL SCORE (static+dynamic):	

3 and below **Level 1** (Low Risk)

4 – 7 **Level 2** (Moderate Risk)

8 and above **Level 3** (High Risk)

RISK LEVEL	1	2	3
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NAME : Please check those present	Initial
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

Offenders
Name: _____

No.: _____

Risk
Level: _____

Assessor's
Signature: _____

Date: _____

*The MnSOST-R includes a High Risk sub-category with a cut-off score of 13 and above used for civil commitment purposes. Montana does not currently impose civil commitment laws; therefore, this sub-category is not relevant to this assessment.

Risk assessments are a valuable tool when integrating sex offenders into a community setting. However, at times the information can be somewhat misleading, especially to a non-clinical person. Below are two such examples.

CASE # 1

Jimmy was arrested at age 15 for shoplifting, and was sentenced to 20 hours of community service. He also has been in trouble for running away from his group home placement on several occasions when he lived there from the ages of 16-18, as well as being intoxicated at school three different times between the ages of 15-17. However, Jimmy is now age 19 and attempting to get his life on track. Although he is currently on probation for a recent DUI charge, he has his own apartment in downtown Helena and recently enrolled to the Vocational Center for training in automotive mechanics, and will begin in two months. He currently works part-time at Wendy's Restaurant, but has a history of many short-term part time jobs due to his defiance related to authority. Jimmy goes out with some of his buddies to get drunk, something he has done a couple of times per month over the past year. At about midnight they all end up at a house party drinking. Jimmy meets a girl who states she is 16 years old. They drink a couple of beers and then mutually decide to leave the party and go across the street to a park to be alone. They begin to kiss and fondle each other, which eventually ends up in consensual intercourse. After about an hour, they return to the party and go their separate ways. The girl tells her friend about the sexual encounter, who tells her parents, who then tells the girl's parents. They call the police, investigate and the girl is really only age 12. They arrest Jimmy on charges of Sexual Intercourse without Consent. Jimmy ends up in prison for three years, and completes court ordered sex offender and chemical dependency treatment before he is released into the community...Based on this information Jimmy is designated as a Tier III sex offender and is classified as a sexually violent predator.

CASE #2

Jonny has been married for 14 years, and currently is age 35. He lived at home with his wife and four children. He is college educated and worked at the University of Montana as an engineer for the past 11 years. His entire criminal history is having only a couple of speeding tickets in the past 15 years. He also has no alcohol or drug history other than some experimental usage during college some 15 years earlier. He began fondling three of his daughters when they were ages 4, 5, & 6. The offending slowly escalated over the next seven years, and was eventually having full intercourse with all three daughters when they were ages 11, 12, and 13. The offending occurred almost daily for nearly seven years. He verbally threatened and coerced all three children into succumbing to the abuse, and threatened to kill their mother and send them to an orphanage if they told. The children did not say a word to anyone outside themselves for the entire seven years of abuse. Jonny also videotaped many of the sexual offending acts on his children, and often forced them to have sexual contact with each other while he recorded. Jonny was arrested after his wife found one of the tapes of abuse, and immediately contacted authorities. Jonny was convicted of three counts of incest and spent four years in prison. He completed sex offender treatment before his release from prison...Based on this information Jonny is designated as a Tier I sex offender.

The topic of sex offenders being released from incarceration into community settings is at times an emotional and controversial topic. There are many misconceptions about sexual offenses, and sex offenders in our communities. Much has been learned about these behaviors and populations in the past decade, and this document is to inform citizens, policy makers, and practitioners about sex offenders, addressing common misconceptions regarding this population by providing factual information.

1. Myth: Released sex offenders always return to prison.

Fact: Based on sex offenders leaving Montana State Prison system since 1988 with some form of supervision to follow:

- *Treated sex offender re-offending rate is - 2.0%. (sexual re-offense) – MSP data.
- *Treated sex offender return rate is - 19.0%. (recidivism) – MSP data
- * Untreated sex offender re-offending rate is – 20%. (sexual re-offense) – National data
- *Untreated sex offender return rate is – 49.0%. – (recidivism) – MSP data

2. Myth: All sex offenders are the same.

Fact: Sex offenders can be categorized into several different generalized types.

- * Situational child molester – About 86% of MSP sex offender population
- * Statutory offender – About 5% of MSP sex offender population
- * Adult rapist with adult victim – About 5% of MSP sex offender population
- * Preferential child molester-Pedophile – About 4% of MSP sex offender population

* Situational sex offenders do not have a true sexual preference to children but engaged in sex with children (under age 16) for various and often complex reasons. This type of sex offender is highly treatable and rarely returns to prison once released. * The most difficult obstacle in treating the statutory offender and the adult rapist types are their anti-social personality traits, not their sexually acting out behaviors. * Pedophile is defined as an adult who has a preferential sexual attraction to prepubescent children. This type of sex offender is the most difficult to treat, but they are treatable.

3. Myth: Treatment for sex offenders is ineffective.

Fact: Sexual offenders who have completed formalized treatment (SOP Phase II) and been released from the Montana State Prison system since 1988 have a re-offending rate of about 2.0%. Cognitive and behavioral based group treatment, coupled with intensive relapse prevention and aftercare, have shown to be extremely effective in reducing re-offending rates among sex offenders. Research also demonstrates that sex offenders who fail to complete treatment programs are at increased risk for both sexual and general recidivism.

4. Myth: Recidivism and re-offending are synonymous with sex offenders.

Fact: Recidivism means returning to incarceration for any type of violation, not necessarily a new offense. Re-offending means returning to incarceration for a new sexually related offense.

5. Myth: Most sex offenders re-offend.

Fact: According to the Center for Sex Offender Management (CSOM), national averages show that reconviction for a new sexually related offense among all types of sex offenders is about 20%, meaning 80% of all sex offenders are never rearrested for a new sexually related offense, with or without treatment.

6. Myth: Children who are sexually assaulted will sexually assault others when they become adults.

Fact: According to the Center for Sex Offender Management (CSOM), 30% of sexual offenders were sexually abused as children.

7. Myth: Most sex offenders complete treatment (SOP Phase II) before being released from incarceration.

Fact: About 30% of sex offenders complete treatment before leaving Montana State Prison, meaning about 70% leave without fully completing recommended SOP Phase II treatment. Contributing factors include inadequate staffing, length of program (2-3 years), long waiting lists, refusal of treatment, and inmate not having enough time to complete program.

8. Myth: High profile and high risk are synonymous.

Fact: In this day and age, virtually all sex offenders leaving incarceration are considered high profile in relation to community response. Currently, less than 15% of released sex offenders from Montana State Prison are classified as a Tier Level III designation, meaning high risk.

9. Myth: All Tier Level III offenders will re-offend.

Fact: Data collected from Montana State Prison since 1988 shows that there is virtually no correlation between re-offending and specific Tier Level designation. This means that no particular Tier Level re-offends more than others.

10. Myth: Sex offenders don't take responsibility for their sexual offending.

Fact: Based on the current sex offender treatment lists at Montana State Prison (about 500 sex offenders), only about 10.0% are either denying their offense and/or refusing treatment.

11. Myth: Most sex offenders leave incarceration shortly after completing their mandated sex offender treatment.

Fact: Currently there are about one hundred (110) sex offenders incarcerated within the Montana prison system that have completed their mandated sex offender treatment. Many have early release recommendations from sex offender treatment staff, and/or from the Parole Board for ISP, Parole, or Prerelease Center placement, but have been unable to get accepted.

12. Myth: Sex offenders have more criminal history than other types of felons.

Fact: Historically, sex offenders have fewer prior convictions, less alcohol and/or drug usage, and a more stable work history than other types of felons. These factors make transition from incarceration to community less troublesome and more successful.

13. Myth: Sex offenders commit crimes because they are under the influence of drugs and/or alcohol.

Fact: It is highly unlikely that an individual who otherwise would not commit a sexual assault would do so as a direct result of alcohol and/or drug use. At Montana State Prison, about 80% of the entire inmate population are recommended for some type of substance abuse treatment. Within the sex offender specific inmate population, about 25% are recommended for some type of substance abuse treatment. Sex offenders abuse alcohol and/or drugs far less than other types of inmates.

14. Myth: Most sexual assaults are committed by strangers.

Fact: According to the Center for Sex Offender Management (CSOM), about 78% of all sexual assaults are committed by someone known to the victim or the victim's family, regardless if the victim is a child or an adult.

Solutions to Enhance Successful Reintegration for Sex Offenders

- **Consider having immediate Pre release Center (PRC) acceptance if Parole Board grants approval. Eliminate all other layers of screening/recommendation committees.**
- **Consider eliminating all treatment recommendations made to the Parole Board by non treatment/clinical DOC staff.**
- **Consider enhancing Intensive Supervision Program (ISP) in all major towns to specifically monitor sex offenders. ISP = \$13.00 a day vs. MSP = \$60.00 a day (estimates)**
- **Establish ISP programs in Helena and Kalispell.**
- **Provide additional FTE position(s) for treatment of sex offenders at MSP to help eliminate treatment non complete discharges. Currently about 70% of sex offenders leave prison before completing recommended treatment.**
- **Parole Board to strictly adhere to recommendations given by the Sex Offender treatment staff in reference to early release options.**
- **Provide additional group rooms on the High Security compound, as this population is greatly underserved due to lack of group room availability.**
- **Establish FTE position(s) for a liaison case manager to assist sex offenders with reintegration process in communities.**
- **Develop statewide community education program to deliver facts about sex offender issues, treatment and concerns. Liaison position could deliver this.**
- **Establish ISP as “best practice” for releasing sex offenders into community. Goal would be to have 75% of sex offenders given an early release ISP once treatment complete.**
- **Establish an “immediate ISP upon completion” of recommended sex offender treatment.**
- **Consider requiring all PRC’s to have at least 25% of their residents be sex offenders. MSP is about 32%.**
- **Consider eliminating the “sexual violent predator” label for some Level III sex offenders.**
- **Consider modifying any legislation that uses the “one size fits all” approach in regard to specific sex offender policy/law.**
- **Require all sex offenders have a tier level designation set by the Judge based on the psychosexual evaluation completed by the MSOTA professional.**
- **Develop consistent guidelines for sentencing judges.**
- **Consider having all PRC’s owned and operated by the Department of Corrections, not a private contractor.**
- **MSOTA representation on any potential or current legislative issue pertaining to sex offenders.**
- **Decrease the number of treated sex offenders discharging their sentence from MSP. Currently about 42%, goal could be 10%.**

**Licensed Treatment
Providers for Adults:**

Billings:

Bob Bakko
1004 Division St., Suite 200
Billings, MT 59101
406-259-6161 ext.202

Michael Sullivan
304 Grand Ave
Billings, MT 59101
406-245-4566

Bozeman:

Fred Lemons
1609 W. Babcock
Bozeman, MT 59715
406-582-4499

Butte:

Chris Quigley
125 W. Granite, Suite 303
Butte, MT 59701
406-782-7774

Sherry Bersanti
8 West Park, Suite 411
Butte, MT 59701
406-723-5004

Great Falls:

Shawn Abbott
600 Central Ave., Suite 302
Great Falls, MT 59401
406-761-1700

Hamilton:

Michael English
Box 11
Hamilton, MT 59840
406-363-0929

Helena:

Blair Hopkins
P.O. Box 74
Elliston, MT 59728
406-492-0694

Kevin Wyse
P.O. Box 127
Townsend, MT 59644
406-449-3636

Lewistown:

Marla North
618 W. Main, Suite 204
Lewistown, MT 59457
406-538-5990

Libby:

James Myers
1317 Dakota Ave.
Libby, MT 59923
406-293-6492

Missoula:

Blair Hopkins
P.O. Box 74
Elliston, MT 59728
406-492-0694

Roger Dowty
619 SW Higgins, Suite N
Missoula, MT 59803
406-829-3640

Lindsay Clodfelter
P.O. Box 806
Missoula, MT 59806
406-829-3360

Whitefish:

Andy Hudak
N Valley Hospital Route 93
P.O. Box 1763
Whitefish, MT 59937
406-862-2733

MONTANA STATE PRISON

SEX OFFENDER PROGRAM DATA

PHASE II COMPLETION INMATES

TABLE A

Recidivism is defined as: *Any Inmate who left Prison after completing SOP Phase II and was later returned to Prison regardless of how long they were gone. Data does not include Inmates who violated their conditions in the community and were placed on a more restrictive level of care within the community.*

An example would be an Inmate who left Prison on Parole, violates his conditions, and is then placed in a Pre-Release Center. If they did not physically return to Prison they are not counted in recidivism rates for this data.

Data is for Inmates who completed SOP Phase II while incarcerated in Montana: Montana State Prison (MSP), Missoula County Regional Prison (MCRP) or the Crossroads Correctional Center (CCC). ITU is the Intensive Treatment Unit and OP is Outpatient Treatment. Both utilize the same program and requirements for SOP Phase II completion. Since July 2002 all treatment has been conducted at MSP.

** COMPLETIONS - SOP PHASE II PER FISCAL YEAR **

FISCAL YEAR	ITU	OP	TOTAL
07/01/88 – 06/30/89	16	1	17
07/01/89 – 06/30/90	9	0	9
07/01/90 – 06/30/91	8	0	8
07/01/91 – 06/30/92	7	0	7
07/01/92 – 06/30/93	4	1	5
07/01/93 – 06/30/94	2	2	4
07/01/94 – 06/30/95	4	0	4
07/01/95 – 06/30/96	6	2	8
07/01/96 – 06/30/97	12	7	19
07/01/97 – 06/30/98	4	1	5
07/01/98 – 06/30/99	7	3	10
07/01/99 – 06/30/00	2	9	11
07/01/00 – 06/30/01	5	21	26
07/01/01 – 06/30/02	21	35	56
07/01/02 – 06/30/03	12	29	41
07/01/03 – 06/30/04	10	31	41
07/01/04 – 06/30/05	14	21	35
Grand Total:	143	163	306

TABLE B

RECIDIVISM FOR SOP PHASE II – ITU COMPLETE INMATES

A – Number of Inmates who **COMPLETED SOP PHASE II – ITU** each Fiscal Year.

B – Represents the number of **SOP PHASE II - ITU COMPLETE INMATES** who *left incarceration (ISP, Discharge, Parole, Pre-Release, Conditional Release, Out of State Parole)* who completed treatment from **COLUMN A**.

C – Represents the number of **SOP PHASE II - ITU COMPLETE INMATES** who were returned to prison due to a *Violation*. They are listed in the Fiscal Year when they completed treatment.

D – Represents the number of **SOP PHASE II – ITU COMPLETE INMATES** who were returned to prison due to a *New Sexually Related Offense*. They are listed in the Fiscal year when they completed treatment.

FISCAL YEAR	A COMPLETED SOP PHASE II - ITU	B LEFT PRISON	C RETURN VIOLATION	D RETURN NEW CHARGE
07/01/88 – 06/30/89	16	16	3	0
07/01/89 – 06/30/90	9	8	1	0
07/01/90 – 06/30/91	8	8	2	0
07/01/91 – 06/30/92	7	7	0	1
07/01/92 – 06/30/93	4	4	1	0
07/01/93 – 06/30/94	2	2	2	0
07/01/94 – 06/30/95	4	4	1	0
07/01/95 – 06/30/96	6	6	3	0
07/01/96 – 06/30/97	12	10	1	0
07/01/97 – 06/30/98	4	4	3	0
07/01/98 – 06/30/99	7	5	0	0
07/01/99 – 06/30/00	2	2	0	0
07/01/00 – 06/30/01	5	5	2	0
07/01/01 – 06/30/02	21	13	1	1
07/01/02 – 06/30/03	12	12	5	0
07/01/03 – 06/30/04	10	8	0	0
07/01/04 – 06/30/05	14	4	0	0
Total:	143	118	25	2

TABLE C

RECIDIVISM FOR SOP PHASE II – OP COMPLETE INMATES

A – Number of Inmates who **COMPLETED SOP PHASE II – OP** each Fiscal Year.

B – Represents the number of **SOP PHASE II- OP COMPLETE INMATES** who *left incarceration (ISP, Discharge (D/C), Parole, Pre-Release, Condition Release, Out of State Parole)* who completed treatment from **COLUMN A**.

C – Represents the number of **SOP PHASE II – OP COMPLETE INAMTES** who were returned to prison due to a *Violation*. They are listed in the Fiscal Year when they completed treatment.

D – Represents the number of **SOP PHASE II – OP COMPLETE INMATES** who were returned to prison due to a *New Sexually Related Offense*. They are listed in the Fiscal Year when they completed treatment.

FISCAL YEAR	A COMPLETED SOP PHASE II - OP	B LEFT PRISON	C RETURN VIOLATION	D RETURN NEW CHARGE
07/01/88 – 06/30/89	1	1	0	0
07/01/89 – 06/30/90	0	0	0	0
07/01/90 – 06/30/91	0	0	0	0
07/01/91 – 06/30/92	0	0	0	0
07/01/92 – 06/30/93	1	1	0	0
07/01/93 – 06/30/94	2	2	2	0
07/01/94 – 06/30/95	0	0	0	0
07/01/95 – 06/30/96	2	2	0	0
07/01/96 – 06/30/97	7	7	3	0
07/01/97 – 06/30/98	1	1	0	0
07/01/98 – 06/30/99	3	3	0	0
07/01/99 – 06/30/00	9	6	1	1
07/01/00 – 06/30/01	21	15	3	1
07/01/01 – 06/30/02	35	23	5	0
07/01/02 – 06/30/03	29	13	0	0
07/01/03 – 06/30/04	31	20	0	0
07/01/04 – 06/30/05	21	10	2	0
Total:	163	104	16	2

TABLE D**COMBINED DATA OF TABLES B & C (ITU & OP)**

A – The Number of Inmates who **COMPLETED SOP PHASE II** during Fiscal Year.

B – Represents the Number of **SOP PHASE II COMPLETE INMATES** who *left incarceration (ISP, Discharge, Parole, Pre-Release, Conditional Release, Out of State Parole)* who completed treatment from **COLUMN A**.

C – Represents the number of **SOP PHASE II COMPLETE INMATES** who were returned to Prison due to a *Violation*. They are listed in the Fiscal Year when they completed treatment.

D – Represents the Number of **SOP PHASE II COMPLETE INMATES** who were returned to Prison due to a *New Sexually Related Offense*. They are listed in the Fiscal Year when they completed treatment.

FISCAL YEAR	A COMPLETED SOP PHASE II	B LEFT PRISON	C RETURN VIOLATION	D RETURN NEW CHARGE
07/01/88 – 06/30/89	17	17	3	0
07/01/89 – 06/30/90	9	8	1	0
07/01/90 – 06/30/91	8	8	2	0
07/01/91 – 06/30/92	7	7	0	1
07/01/92 – 06/30/93	5	5	1	0
07/01/93 – 06/30/94	4	4	4	0
07/01/94 – 06/30/95	4	4	1	0
07/01/95 – 06/30/96	8	8	3	0
07/01/96 – 06/30/97	19	17	4	0
07/01/97 – 06/30/98	5	5	3	0
07/01/98 – 06/30/99	10	8	0	0
07/01/99 – 06/30/00	11	8	1	1
07/01/00 – 06/30/01	26	20	5	1
07/01/01 – 06/30/02	56	36	6	0
07/01/02 – 06/30/03	41	25	5	1
07/01/03 – 06/30/04	41	28	0	0
07/01/04 – 06/30/05	35	14	2	0
Total:	306	222	41	4



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TABLE E****Released Sex Offenders who Completed SOP PHASE II – ITU******Specific Level of Care Released to:**

FISCAL YEAR	ISP	PAROLE	DISCHARGE	PRE- RELEASE	PAROLE OUT	CONDITIONAL RELEASE	TOTAL
07/01/88 – 06/30/89	1	9	5	0	1	0	16
07/01/89 – 06/30/90	2	4	2	0	0	0	8
07/01/90 – 06/30/91	2	5	0	0	1	0	8
07/01/91 – 06/30/92	0	3	3	1	0	0	7
07/01/92 – 06/30/93	0	1	2	0	1	0	4
07/01/93 – 06/30/94	1	1	0	0	0	0	2
07/01/94 – 06/30/95	1	2	1	0	0	0	4
07/01/95 – 06/30/96	1	3	2	0	0	0	6
07/01/96 – 06/30/97	1	2	7	0	0	0	10
07/01/97 – 06/30/98	0	0	3	0	1	0	4
07/01/98 – 06/30/99	2	2	1	0	0	0	5
07/01/99 – 06/30/00	1	0	1	0	0	0	2
07/01/00 – 06/30/01	2	1	1	0	1	0	5
07/01/01 – 06/30/02	3	1	9	0	0	0	13
07/01/02 – 06/30/03	1	1	6	0	1	3	12
07/01/03 – 06/30/04	3	1	3	0	1	0	8
07/01/04 – 06/30/05	0	0	4	0	0	0	4
Grand Total:	21	36	50	1	7	3	118
PERCENTAGE	17.8%	30.5%	42.4%	0.8%	5.9%	2.5%	
Return to Incar.	5	8	9	1	2	2	27

A total of **118** Treated Sex Offenders who **COMPLETED SOP PHASE II – ITU** have been released, **27** returned to Prison (25 for Violations & 2 for New Sexually Related Offenses) = **22.8%** Return Rate (Recidivism) & **1.7%** Re-Offending Rate

TABLE F****Released Sex Offenders who Completed SOP Phase II - OP******Specific Level of Care Released to:**

FISCAL YEAR	ISP	PAROLE	DISCHARGE	PRE- RELEASE	PAROLE OUT	CONDITIONAL RELEASE	TOTAL
07/01/88 – 06/30/89	0	0	1	0	0	0	1
07/01/89 – 06/30/90	0	0	0	0	0	0	0
07/01/90 – 06/30/91	0	0	0	0	0	0	0
07/01/91 – 06/30/92	0	0	0	0	0	0	0
07/01/92 – 06/30/93	0	0	1	0	0	0	1
07/01/93 – 06/30/94	0	0	2	0	0	0	2
07/01/94 – 06/30/95	0	0	0	0	0	0	0
07/01/95 – 06/30/96	0	1	1	0	0	0	2
07/01/96 – 06/30/97	1	3	1	0	2	0	7
07/01/97 – 06/30/98	0	0	0	0	1	0	1
07/01/98 – 06/30/99	2	0	0	1	0	0	3
07/01/99 – 06/30/00	1	0	3	2	0	0	6
07/01/00 – 06/30/01	5	1	7	0	2	0	15
07/01/01 – 06/30/02	5	0	12	3	1	2	23
07/01/02 – 06/30/03	1	2	4	2	1	3	13
07/01/03 – 06/30/04	4	0	8	3	3	2	20
07/01/04 – 06/30/05	2	1	3	2	1	1	10
Grand Total:	21	8	43	13	11	8	104
PERCENTAGE	20.2%	7.7%	41.35%	12.6%	10.6%	7.6%	
Return to Incar.	5	2	5	5	1	0	18

A total of **104** Treated Sex Offenders who **COMPLETED SOP PHASE II – OP** have been released, **18** Returned to Prison (16 for Violations & 2 for New Sexually Related Offenses) = **17.3%** Return Rate (Recidivism) & **1.9%** Re-Offending Rate

TABLE G

COMBINED DATA OF TABLES E & F (ITU & OP)

**** Released Sex Offenders who COMPLETED SOP PHASE II ****

Specific Level of Care Released to:

FISCAL YEAR	ISP	PAROLE	DISCHARGE	PRE- RELEASE	PAROLE OUT	CONDITIONAL RELEASE	TOTAL
07/01/88 – 06/30/89	1	9	6	0	1	0	17
07/01/89 – 06/30/90	2	4	2	0	0	0	8
07/01/90 – 06/30/91	2	5	0	0	1	0	8
07/01/91 – 06/30/92	0	3	3	1	0	0	7
07/01/92 – 06/30/93	0	1	3	0	1	0	5
07/01/93 – 06/30/94	1	1	2	0	0	0	4
07/01/94 – 06/30/95	1	2	1	0	0	0	4
07/01/95 – 06/30/96	1	4	3	0	0	0	8
07/01/96 – 06/30/97	2	5	8	0	2	0	17
07/01/97 – 06/30/98	0	0	3	0	2	0	5
07/01/98 – 06/30/99	4	2	1	1	0	0	8
07/01/99 – 06/30/00	2	0	4	2	0	0	8
07/01/00 – 06/30/01	7	2	8	0	3	0	20
07/01/01 – 06/30/02	8	1	21	3	1	2	36
07/01/02 – 06/30/03	2	3	10	2	2	6	25
07/01/03 – 06/30/04	7	1	11	3	4	2	28
07/01/04 – 06/30/05	2	1	7	2	1	1	14
Grand Total:	42	44	93	14	18	11	222
PERCENTAGE	18.9%	19.8%	41.9%	6.3%	8.1%	5.0%	
Return to Incarceration	10	10	14	6	3	2	45
	<i>(ITU = 27 & Outpatient = 18)</i>						

Total of 222 Treated Sex Offenders Released – 45 Returned to Prison (41 for Violations & 4 for New Sexually Related Offenses) = 20.3% Return Rate (Recidivism) & 1.8% Re-Offending Rate

SOP PHASE II COMPLETIONS PER FACILITY

Facility	Completions	Group
CCC	10	OP
MCRP	39	OP
MSP	114	OP
MSP	143	ITU

****105 Inmates who have completed SOP Phase II remain incarcerated****
(as of 11/10/05)

****Average length of time inmates stayed in the community after release before returning to prison.** Based on the **45** treated INMATES WHO RETURNED TO INCARCERATION over the SEVENTEEN YEAR period, the *average time in the community* was 27.0 Months. **The range was from 3.0 Months to 124.0 Months.**

MONTHS IN COMMUNITY BEFORE RETURN

0-6	7-12	13-24	25-36	37-48	49-30	60 & UP	Total
6	10	9	10	5	1	4	45

****Average length of time from completing SOP Phase II Treatment to being released into the Community.** Based on the **222 SOP Phase II treatment complete inmates who left incarceration** over this SEVENTEEN YEAR period, the *average time between completion of SOP Phase II and Release to the Community* was **14.7 Months**. The range was from less than **1 Month to 188.0 Months**. Breakdown is as follows:

MONTHS WAITING FOR RELEASE

0-2	3-12	13-24	25-36	37-48	48-78	73 & UP	Total
47	97	38	20	9	8	3	222